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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/714,642

11/18/2003

Masayuki Takenaka

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03/04/2008

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EXAMINER

LE, TAN

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

03/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/714,642 | Applicant(s) TAKENAKA ET AL. | |
| | Examiner Tan Le | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,11-13,16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,11-13,16 and 19 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's reply filed 11/21/07 is acknowledged. Claims 1-5, 8, 11-13, 16, 19 and 20 currently are pending. Claims 6-7, 9-10, 14-15, 17-18 had been canceled. Claims 21-26 were withdrawn

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 8, 11-13, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. 6,166,498 to Yamaguchi et al. in view of US patent No. 5,460,234 to Matsuura et al.

As to claim 1, Yamaguchi et al. discloses a drive unit for hybrid vehicles comprising: a control unit section (46, 49, 51) (Fig. 1) of a drive unit (10) provided with an electric motor (16) is mounted on the drive unit (10) to be united therewith, the control unit section, comprising: a power unit (50, 54, 53); and a control unit (46, 49, 51), the power unit being immovably mounted to the drive unit (10), and the control unit being movably supported on the drive unit (10). The control unit comprises a control board (57a, 57b (col. 5, line 8) mounted to a base (no numeral, fig 3) to control the drive unit.

The Yamaguchi device differs from claim 1 of the present invention in that it is not provided the base, which is supported through vibration proof mechanism on the drive unit.

Matsuura et al teaches the concept of such (through dampers 24, 28, 38, 40, 67 and 76 together) for providing better vibration or shock isolation to the control unit.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the base, which is supported through vibration proof mechanism on the drive unit on the Yamaguchi et al base as taught by Matsuura et al in order to provide better vibration performance or better isolation to the control unit section which is exposed to vibrations during running vehicle.

As to claim 2, wherein the power unit comprises an inverter unit (50, 53, 54), the inverter unit is connected to the electric motor (16) (Fig. 1) of the drive unit (10) through a connection member (LG_u, LG_v, LG_w) and the connection member is immovably mounted to the drive unit and the power unit.

As to claims 3 and 11, wherein the power unit comprises an inverter unit, the control unit section is provided with a casing (46), which receives therein at least the inverter unit, and the power unit is held on the casing.

As to claims 4 and 12, wherein the casing (46) is mounted to the drive unit (10) to thereby make the power unit immovable relative to the drive unit.

As to claims 5 and 8, Yamaguchi et al as modified also teaches the control unit is supported through the vibration proof mechanism on the power unit and supported through the power unit on the drive unit.

As to claims 13 and 16, wherein the power unit comprises an inverter unit, the control unit section is provided with a casing, which receives therein at least the inverter unit, and the power unit is held on the casing.

As to claim 19, Yamaguchi in view of Matsuura et al. differs from claim 19 of the present invention in whether the flexible grounding member to ground the control unit to the drive unit. However, flexible grounding connector is well known in the art to allow relative movement between connections at both ends without resistance therefore it would have been an obvious matter of design choice to include a flexible grounding member to ground the control unit to the drive unit for the desirable purpose of simply reducing resistance.

Allowable Subject Matter

Claim 20 is objected to, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 11/21/07 have been fully considered but they are not persuasive.

Applicant argues that claim 1 calls for power unit being immovably mounted to a drive unit and a control unit being movably supported on the drive unit using a vibration

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proof mechanism. The combination of Yamaguchi and Matsuura fails to disclose this feature because both of Yamaguchi's power unit and control unit are immovably mounted to a drive unit and both of Matsuura's power and control unit are movably supported on a drive unit. The examiner disagrees with the Applicant because by ordinary meaning and usage, the word "immovably mounted" suggests two components connected to each other in such a way that being permanently fixed, stationary, incapable of being moved. However, the two components that "immovaly mounted" do not really suggest that those components cannot be separate from a stationary component when a strong force is applied. In this regards, the components that the claim describes as "immovably mounted" has failed to describe as how these two components are connected to each other in such a way that one cannot be removed from the other. The examiner also finds no standard or guidelines in Applicant's specification to determine to what extent a connection or joint between the two components or configuration that can not be separated and be regarded as being "immovably mounted or fixed". Thus the language has been failed to particular point out and distinctly claim the invention. The examiner can only be reasonably assumed that the power unit is being rigidibly fixed or joined or secured or connected to the drive unit by way of their common connections or mounts by such means as fastening and/or welding. Therefore, the examiner considers the references of Yamaguchi or even Matsuura meets the limitation.

The balance of Applicant's arguments fail to comply with 37 CFR 1.11(b) because they amount to a generally allegation that the claims define a patentable

invention because both of Yamaguchi's power unit and control unit are immovably mounted to the drive unit mounted to a drive unit without specifically pointing out how the language of the claims patentably distinguishes them the references such as how these two components (power unit and control unit) are connected to each other in such a way that one cannot be removed from the other.

Conclusion

Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy J. Sterling/
Primary Examiner, Art Unit 3632

/Tan Le/
Examiner, Art Unit 3632

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| <div>Application Number</div> <div></div> | Application/Control No. | Applicant(s)/Patent under Reexamination | |
| | 10/714,642 | TAKENAKA ET AL. | |
| | Examiner | Art Unit | |
| | Tan Le | 3632 | |